

# DESOTO COUNTY BOARD OF SUPERVISORS

## BOARD MEETING MINUTES

JESSIE MEDLIN, PRESIDENT 2002 PRESIDING

September 9, 2002

### A. CALL TO ORDER

The September 9, 2002, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1  
Supervisor Eugene C. Thach-----District 2  
Supervisor Gerald Clifton-----District 3  
Supervisor John Caldwell-----District 4  
Supervisor Tommy Lewis-----District 5  
W. E. Sluggo Davis-----Chancery Clerk  
Chief Deputy Charlie Brown-----Sheriff's Dept.  
David Armstrong-----County Administrator  
Tony Nowak-----Board Attorney

### B. INVOCATION

Supervisor John Caldwell presented the invocation.

### C. PLEDGE OF ALLEGIANCE

### D. OLD BUSINES

#### 1. Animal Shelter

Southaven Mayor Greg Davis, Hernando Mayor Ed Gale and Horn Lake Mayor Mike Thomas appeared before the Board of Supervisors to discuss the animal shelter issue between the Cities and the County.

Mayor Davis said the County entered into an interlocal agreement with the City of Southaven in 1991 for the County to use the City animal shelter. This agreement is for the duration of the terms of office of the parties and renewal upon the beginning of new terms of office. County Administrator David Armstrong said the County initially contributed \$15,000 toward the construction of the Southaven Animal Shelter with a commitment of \$12,770 per year, with this being paid monthly, for the use of the facility by the County. Mr. Armstrong said the County has increased its funds to support the animal shelter over the years to \$57,500 for the County FY03 budget.

Mayor Davis said there are too many animals coming into the shelter to be handled and we need a resolution to address this issue. Mayor Davis said because of this situation he had zeroed out the amount that the County's contributes to the shelter from his budget for the coming year.

ITEM D.1, CONTINUED,

Supervisor Eugene Thach suggested building a Countywide shelter with all of the cities' participation. Mayor Davis said he would be willing to pay the County so that he could send animals to the County shelter during an overflow situation. Mayor Davis said they would not close the facility in Southaven because they have too much invested in the facility. Supervisor Jessie Medlin said the County needs to move on getting a shelter in the County.

Mayor Gale said he would have to know what the cost would be before he could commit for the City of Hernando.

Mayor Davis said there are businesses that are willing to contribute food for the animals from their stock that gets damaged. Mayor Davis suggested distributing animals to all of the cities.

Supervisor Thach asked how many animals the Southaven facility can handle. Mayor Davis said they could hold 76 canine and 30 feline animals. Mr. Armstrong said the County has recorded picking up around 200 animals a month. Supervisor Medlin asked if the Cities had a figure on how many animals they pick up. No one had this information.

Mr. Armstrong asked what the budget was for the operation of the shelter. Mayor Davis said he has 5 employees and with the building operations and expense the budget was \$575,000.

Later in the meeting, County Administrator David Armstrong said he had spoken with a friend who is the Public Works Director for the City of Memphis regarding the animal shelter. Mr. Armstrong said Memphis plans to build a state of the art animal shelter, but at this time it is located in the Airport Complex, which is just 5 miles from Southaven. Mr. Armstrong said they are not sure where they plan to build the shelter at this time.

Supervisor Eugene Thach said the Humane Society expects the County to build an animal shelter in the County.

Mr. Armstrong said 80 to 85 percent of the animals at the Memphis shelter are euthanized, which would be about 16,000 animals a year. No motions or actions were taken on this item at this time.

## **2. Jail Expansion**

County Administrator David Armstrong said he had contacted the City Mayors requesting their attendance at today's Board meeting to discuss the jail overcrowding situation. Mr. Armstrong said Hernando Mayor Ed Gale, Horn Lake Mayor Mike Thomas and Horn Lake Police Chief Daryl Whaley are present today, but Olive Branch Mayor Sam Rikard said he could not attend because of a prior commitment and Southaven Mayor Greg Davis has not responded.

Supervisor Jessie Medlin addressed the City Officials present regarding the Board's recent decision on the jail. Supervisor Medlin said the Board voted today to scrap plans on the juvenile facility. The Board was advised by the Sheriff and the architect to do this in order to plan another addition for prisoners due to overcrowding. The jail is 6 beds shy of capacity now.

Supervisor John Caldwell said the Cities should work with the County to come to a solution for the housing of prisoners from the Cities as well as the County prisoners. Supervisor Caldwell said 67% of the population comes from the Cities. Supervisor Eugene Thach said the Cities should add room and board to fines imposed on prisoners to help pay some of the expense. Supervisor Thach said the State allows a collection of \$10 a day being added to fines, but the City of Southaven is the only City imposing this.

Mayor Greg Davis arrived at the meeting. Mayor Davis stated that the City of Southaven still place a \$10 a day amount to their fines and they pay the County when they collect the fines.

**ITEM D.2, CONTINUED,**

Mr. Armstrong said in the 2001-2002 budget year the Board cut out the prisoner housing and medical collected from the Cities. Mr. Armstrong said the weekend seems to be the problem with overcrowding at the jail. Mr. Armstrong said housing is a large expense, but the medical expense for prisoners has also caused an increase in expense. Mr. Armstrong said that through the month of January 2002, there were 5,150 total arrests for this budget year and of this number 3,450 prisoners were from the Cities. Mr. Armstrong said if you take the prisoners that were released on bond and the ones bounded over to the grand jury away from this 5,150, it would leave 1,863 prisoners. Out of this 1,863 prisoners if you estimate 54% were from the Cities that stayed the 1st. 15 days as City prisoners and the cost to house them was \$15 per day, this would be \$226,354. Mr. Armstrong said when the Sheriff started looking for a place to house prisoners, the cheapest rate was \$30 per day in Tallahatchie County and we started with 77 prisoners. Mr. Armstrong said this cost was for housing alone and did not include medical, which the County spent a great deal on the prisoners medical treatment who were sent to the Tallahatchie County facility.

Supervisor John Caldwell said another dilemma is the projecting of the number of prisoners to be housed at the jail. Supervisor Caldwell said the County has no control as to what the City does in regard to prisoners and we can't project for each year at this rate.

Mayor Thomas asked how much revenue comes from millage for this. Mr. Armstrong said the County's overall millage of 21.71 includes law enforcement. There is no separate millage for law enforcement.

Supervisor Eugene Thach said the County does not get any sales tax, that just property taxes comes in to the County.

Mayor Thomas asked what type of participation does the County want from the Cities. Mayor Davis said the Council of Governments had talked about a ratio based on population being assessed. Mayor Davis said the city should collect the \$10 a day, but pay \$17.50 per day to the County. The problem being that they have a lot of outstanding fees, but once they are paid, they would be forwarded to the County. Mayor Davis said the Cities use trustee labor and they should be responsible for a portion of their housing.

Supervisor Thach said the biggest problem is the weekends. Mayor Davis said they hold a Monday session of court to be able to handle problems that happened on the weekend. They also hold court on Wednesday and Friday. Mayor Davis said they have a policy regarding stealing and shoplifting crimes that requires an automatic 30 days jail time. Mayor Davis said this crimes happens a lot on weekends and they feel that if a person stays in jail this time length it would cut down on this type of crime, which at this time the numbers have dropped for shoplifting. Mayor Davis said two other major crimes in the city are domestic violence and simple assault. Mayor Davis said they have a home arrest program they are trying to work out where a person is able to work during the week, but the weekend is spent in jail. Mayor Davis said they don't write tickets for shoplifting, they send them to jail.

Supervisor Thach asked Mayor Thomas and Mayor Gale if they could add \$10 a day to the fines they assess. The Mayor's said they don't feel like this would be a problem.

Supervisor Thach said there are a lot of DUI's on the weekend. Board Attorney Tony Nowak said that most DUI cases serve jail time on the weekend.

Supervisor John Caldwell said we are at a situation where no one can change their budget.

Mayor Davis said they have hired a collection agency to collect fines and the State gets theirs first. Supervisor Medlin asked when the fines are implemented, how much goes to the State. Mayor Davis said there is a system of how much goes first to the State before the City gets any money.

#### **ITEM D.2, CONTINUED,**

Mayor Gale said he would need to think about all of this information a few days before he

could commit. Supervisor Thach said the Cities need to start the \$10 addition to their fines now. Supervisor Jessie Medlin asked if the amount could go to \$35. Mayor Davis said the State Law holds the amount to \$10, but we can try to get this changed. The State used to pay \$17.50 and if the language is changed we can collect whatever the State pays.

Mayor Davis said the DeSoto County population is 70% in the City Limits. If 70% of the jail is used by the municipalities at no cost and they exceed the 70%, they would be assessed the \$20 per day. Supervisor Caldwell said there are certain things the County is constitutionally responsible for. When the cities annex portions of the County, we may have to change this formula since the County houses prisoners based on the cities' percentage. Supervisor Thach suggested the \$10 be added to fines for now and then next year work out the budget.

Mayor Davis said there are two things the citizens of DeSoto County want to stand behind and they are education and law protection. This is a County and City problem because of the safety factor. The people don't mind a tax increase for these reasons.

Supervisor Caldwell suggested having a County jail and the Cities could build municipal jails and operate independently.

Mayor Davis said the Tax Collector and the Tax Assessor offices operate sufficiently on fees they collect and questioned if the Chancery Clerk and Circuit Clerk offices operated self-sufficiently. Supervisor Caldwell said the Tax Collector and the Tax Assessor don't count buildings and operations of facilities and other expenses in their operation expenses.

Supervisor Jessie Medlin said the Council of Governments is a good place to work out these solutions for the jail and we want to be fair with everyone. Supervisor Tommy Lewis said we can't decide today, but taxpayers are burdened with the cost of building jails and we need to set up a task force to determine how to handle this situation. Whether it be by house arrest or weekend jail time, we need to study the issue to come up with a solution. Mayor Thomas said house arrest would be ok for some cases. Mayor Davis said they use house arrest with bracelets, which the prisoners pay totally for. Supervisor Caldwell said if they are awaiting trial they have to go to jail.

Supervisor Gerald Clifton said there are three options, \$10 a day fine, Cities pay by percentage of population and/or a restitution center, which works like a grant system. The operation and cost to build this would be based on millage assigned. We need to work on the operational and medical expenses based on percentage of population.

Supervisor John Caldwell asked Sheriff Riley for his comments. Sheriff Riley said he wouldn't turn anyone loose if they break the law. Sheriff Riley said there are 67 city prisoners now in jail; 29 from Olive Branch; 15 from Southaven; 16 from Horn Lake. Sheriff Riley said that law enforcement costs money.

David Armstrong said people who are sent to jail with medical problems are a big expense for the County. Mr. Armstrong said communication between the City and County law enforcement officials would help keep people out of jail if there is a medical problem. Mayor Davis said they release people who are admitted to hospitals from the city.

Mayor Davis asked if a millage could be set for law enforcement. There was no problem when the schools required additional millage assigned to the budget and people expect safety in their community. David Armstrong said this is true.

Supervisor Caldwell said at the rate of \$1 million increase in law enforcement a year that people's taxes are going to have to go up. And if we want to plan for the next year, 3 years or 5 years, we need a solution. We don't have space at the present facility to build much more space. Mayor Davis said to look at the restitution center feasibility. People want criminals to

## **ITEM D.2, CONTINUED,**

pay for crimes and people that are first time offenders would take away from the jail

crowding. David Armstrong said the State has not funded anything yet and the County does not have a building.

Mayor Thomas asked what are other cities doing in other counties. Supervisor Thach said the cities are charged housing for prisoners. Supervisor Thach said people from the County go into the cities to purchase goods and are charged sales tax and in Tennessee they share these taxes with the County. Supervisor Thach said the cities have a sales tax income but the County can only rely on property taxes. Mayor Davis said he collected \$6.3 million in sales taxes.

Sheriff Riley said that with the new jail expansion completed he can house a total of 320 prisoners and this includes 40 State inmates.

Supervisor Jessie Medlin said the cities need to assess the \$10 fee to the fines now to go toward the housing of prisoners, and to set up a committee to get some solutions as to how to handle this problem in the future.

Mayor Davis requested for the County Administrator to come up with some formulas on population or assessed values of property for the next Council of Government meeting to be held on October 4, 2002.

## **E. NEW BUSINESS**

### **1. Appeal of Building Officials' Decision**

Planning Commission Director Merritt Powell and Martha Foster, owner of Cedar Hill Farms, a guest ranch, appeared before the Board of Supervisors regarding a conditional use permit required for the guest ranch operation. Mr. Powell said the guest ranch was granted a conditional use permit in 1996, and in 1997 they received an additional conditional use permit for a snack bar operation. Mr. Powell said they are requesting to operate a paintball game, which they have been doing for 2 years at the ranch, and conditional use permits do not address the use of paintball.

Supervisor John Caldwell said the ranch is located in an agricultural zone and is a great ranch, so it would not be unusual to consider this part of their operation. Ms. Foster said the paintball game is held outside and they have set up five different fields for the event. Ms. Foster said the age range starts at 9 years of age and goes up to the adult level. Supervisor Jessie Medlin asked how many acres is owned by Ms. Foster at the ranch location. Ms. Foster said they have 120 acres.

Mr. Powell said his department was unsure whether this request was under the jurisdiction of the Board of Supervisors or the Board of Adjustments.

Supervisor Tommy Lewis said he felt the Board should allow this use but requested the ranch to keep the noise level from getting out of hand

Supervisor Jessie Medlin said he has spoken with several people who visit the ranch and Ms. Foster runs a first class operation.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion that the Board of Supervisors has determined that paintball is within the scope of Cedar Hill Farms previous approval. The motion passed by a unanimous vote.

### **2. Illegal Billboard in County**

Planning Commission Director Merritt Powell said he received a complaint in the later part of August 2002 regarding the erection of a billboard in the County. Mr. Powell said he sent Bill  
**ITEM E.2, CONTINUED,**

White, a code enforcement officer, to visit the Village of Memphis Mayor regarding the billboard permits they had issued and found the billboards were being constructed in the County. The Mayor notified the permit holder verbally that the billboard would need to come

down. No action was taken to remove the billboard and construction continued. Last week when they checked on the matter they found there are actually two billboards on County property. Mr. Powell said he spoke with Supervisors Caldwell and Thach and they went to visit the site. Mr. Powell said the Village of Memphis issued the second mentioned permit in November 2000, thinking the property was located in their city.

Supervisor Thach said the County had issued a moratorium on billboards from December 1999 until June 2001 and that on May 9, 2001 this Board of Supervisor put a ban on billboards in the County.

Supervisor Tommy Lewis verified that the County did not issue the permits. Mr. Powell also said, the County did not issue the permits. Board Attorney Tony Nowak said the Board of Supervisors could put the Village of Memphis on notice to have the billboards taken down and if they don't, the Board would file a Chancery Court action.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Chamberlin/Nowak Law Firm to notify the permit holders to remove the billboards immediately on behalf of the County to legally bring this matter to a close. The motion passed by a unanimous vote.

Supervisor John Caldwell made the motion to hire the Chamberlin/Nowak Law Firm on behalf of the County to file as an opponent to the Village of Memphis annexation until the billboards are removed. Supervisor Eugene Thach seconded this motion. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	NO
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	NO

Supervisor John Caldwell said he wanted the County to go on record in opposition to the annexation in order to get the billboards taken down.

### **3. Approval of Contract with American Events Tent Company for Groundbreaking Ceremony for the Eastern Treatment Facility**

County Administrator David Armstrong said the DCRUA groundbreaking ceremony would be held on Friday, September 13, 2002. Congressman Roger Wicker and Senator Thad Cochran will be present for this ceremony.

Mr. Armstrong said the Board needs to approve a contract with American Event Tents in the amount of \$580.70.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the contract with American Event Tents in the amount of \$580.70. The motion passed by a unanimous vote. **\*\*See Exhibit E.3\*\***

## **F. EXECUTIVE SESSION**

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

**CONTINUED,**

## **G. OTHER ISSUES**

### **1. Pauper**

In accordance with Section 43-31-29 of the Mississippi Code, which states the Board of Supervisors shall also relieve, support or employ paupers found or being in the county, though not entitled to a settlement therein, and, in case of their deceased, shall decently bury them; and all expenses shall be chargeable to and recoverable from the county in which such pauper had a settlement; and the board shall decently bury all strangers dying in the county,

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to declare Dalathia Scott a pauper and to authorize the Clerk to write a check in an amount not to exceed \$250.00 and issued to the Brantley Phillips Funeral Home in Olive Branch, contingent on the family signing an affidavit. The motion passed by a unanimous vote.

## **2. Nail Road – Engineering for Railroad Bridge**

Supervisor John Caldwell said he wants to get the engineering done on the railroad bridge at Nail Road. Supervisor Eugene Thach asked if the expense for this could come out of the \$750,000 the County has pledged for the widening of Nail Road. Supervisor Caldwell said the cost should be about \$200,000 and that it should come out of the contingency fund.

Supervisor Jessie Medlin said the Board voted to do the engineering on Starlanding Road, but this did not include Nail Road. Supervisor Medlin said the Board agreed to do a four lane underpass at Starlanding Road.

Supervisor Thach said that Starlanding is a single lane road under the railroad and this needs to be a priority.

Mayor Mike Thomas said his City Engineer Matt Thompson plans to be ready to go to contract on the widening of Nail Road and needs for this to be done, and the City would like the County's commitment for the Railroad Bridge. Supervisor Medlin said he would not support this, even though the work needs to be done, until there is a plan to determine where the money will come from. Supervisor Thach asked if they would agree to take the expense out of the \$750,000 that the County has already committed. Supervisor Caldwell said the railroad has committed to some more funds for the railroad.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve to proceed with the final engineering on the Nail Road Railroad Overpass by contracting with Engineering Associates and to take the expense for the engineering from the \$750,000 the County had committed for the widening of Nail Road. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess until September 25<sup>TH</sup>, 2002 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 9<sup>TH</sup> day of September, 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie L. Medlin, President  
DeSoto County Board of Supervisors